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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/090,699

03/04/2002

David F. Bantz

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HARRINGTON & SMITH, LLP

4 RESEARCH DRIVE

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EXAMINER

WILLIAMS, JEFFERY L

ART UNIT

PAPER NUMBER

2137

DATE MAILED: 08/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/090,699

Applicant(s)

BANTZ ET AL.

Examiner

Jeffery Williams

Art Unit

2137

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 March 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Claim Objections

Claim 1 is objected to because of the following informalities: decryption is misspelled as "description", line 6. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 13, 15, and 17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 13 and 15 recite the limitation "the receiver" in lines 7 and 1 respectively. There is insufficient antecedent basis for this limitation in these claims. Claim 13 previously mentions a "first receiver", giving indication of more than one receiver. For the purposes of examination, it will be presumed that the applicant is referring to "the first receiver".

1 Claim 17 recites the limitation "receiving the encrypted signals" in lines 2 and 3.
2 There is insufficient antecedent basis for this limitation in this claim. While the recitation
3 of "displaying *information contained in the encrypted signals* on the display" was
4 presented, no prior indication of the transmission of *encrypted signals* has been given
5 has been shown. For the purposes of examination, it will be presumed that the
6 applicant is referring to "receiving the information contained in the encrypted signals".
7
8

9 ***Claim Rejections - 35 USC § 102***
10

11 The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that
12 form the basis for the rejections under this section made in this Office action:

13 A person shall be entitled to a patent unless –

14 (e) the invention was described in (1) an application for patent, published under section 122(b), by
15 another filed in the United States before the invention by the applicant for patent or (2) a patent
16 granted on an application for patent by another filed in the United States before the invention by the
17 applicant for patent, except that an international application filed under the treaty defined in section
18 351(a) shall have the effects for purposes of this subsection of an application filed in the United States
19 only if the international application designated the United States and was published under Article 21(2)
20 of such treaty in the English language.
21

22 **Claims 1 – 4, 6, 9, 10, 13, 15, 17, 21, 22, and 25 are rejected under 35**

23 **U.S.C. 102(e) as being anticipated by Nii, "Method for Providing Multimedia Files**
24 **and Terminal Therefor", U.S. Patent Publication 2002/0076051 A1.**
25

26 Regarding claim 1, Nii discloses:

1 *a display device comprising an electrical display, a file with encrypted*
2 *information, a system for displaying the encrypted information on the display, and a*
3 *decryption key receiver; and a key FOB adapted to transmit a description key to the*
4 *decryption key receiver of the display device, wherein the display device is adapted to*
5 *display the encrypted information on the display in a decrypted form when the receiver*
6 *receives the decryption key from the key FOB, and wherein the display device is*
7 *adapted to not display the encrypted information on the display in decrypted form when*
8 *the receiver does not receive decryption key from key FOB (Nii, fig. 2, elem. 40; page 3,*
9 *par. 27; page 5, pars. 62,63). Nii discloses a IC card ("key FOB") that transmits a*
10 *decryption key to a terminal that displays a decrypted file only after receiving the*
11 *decryption key from the key FOB.*

12
13 Regarding claim 2, Nii discloses:

14 *wherein the display device comprises a computer and the electrical display*
15 *comprises a computer screen (Nii, fig. 2, elem. 40, 130).*

16
17 Regarding claims 3 and 4 and 6 Nii discloses:

18 *wherein the key receiver comprises a radio frequency decryption receiver,*
19 *wherein the decryption key receiver comprises a wireless receiver , and wherein the key*
20 *FOB comprises a wireless transmitter for transmitting the decryption key to the*
21 *decryption key receiver (Nii, page 5, par. 62). Nii discloses that the Key FOB and key*

1 receiver interface is "contactless", thus a wireless radio interface as evidenced by
2 Dudek et al., U.S. Patent Publication 2003/0018532, page 1, par. 6.

3
4 Regarding claim 9, Nii discloses:

5 *wherein the key FOB comprises means for transmitting a plurality of different*
6 *encryption keys, and means for periodically changing the decryption key transmitted the*
7 *decryption key receiver* (Nii, page 2, par. 19; page 5, par. 67; page 6, par. 7; fig. 7,
8 elem. 64). Nii discloses that a plurality of files ("at least one"), each encrypted with a
9 key, may be accessed by a user with a key FOB. Therefore, the key FOB must
10 possess means for transmitting the corresponding decryption key for the chosen
11 encrypted file. Thus, Nii discloses transmitting a plurality of different keys as well as
12 periodically changing the decryption key that was transmitted.

13
14 Regarding claim 10, Nii discloses:

15 *wherein the display device comprises a memory and a system for*
16 *temporarily storing the decryption key received by the decryption key receiver in the*
17 *memory* (Nii, page 3, par. 27).

18
19 Regarding claim 13, it is rejected for the same reasons as claim 1, and
20 furthermore because Nii discloses:

21 *a frame adapted to be placed at a user's head; a display screen attached to the*
22 *frame and located in front of a user's eye* (Nii, fig. 2, elems. 40, 130). Nii discloses a

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display screen (130) attached to a frame (40). The frame is placed in the proximity of ("at") a user's head, with the screen in front of a user's eye so as to be seen by the user.

Regarding claim 15, it is rejected for the same reason as claim 4.

Regarding claim 17, Nii discloses:

a second receiver connected to the frame for receiving the information contained within the encrypted signals (Nii, fig. 2, elem. 133 – elem. 130).

Regarding claims 21 and 22, they are the method claims implemented by the system claims of 1 and 6, and are rejected for the same reasons.

Regarding claim 25, it is the computer readable medium and instructions implemented by the system of claim 1, and is rejected for the same reasons.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 11, 12, 16, 19, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nii.

Regarding claims 11 and 12, Nii discloses a system designed to “assure secure delivery and controlled usage of data”. The system incorporates an IC card or “Key FOB” for transmitting a decryption key to a user’s multimedia terminal so as to “adequately assure access only by persons authorized for access to selected multimedia content” (Nii, page 2, par. 18). A user may access content on his terminal only after supplying a decryption key that is stored the IC card. Thus, Nii discloses that it is undesirable for a user to access content without being in possession of a proper key transmitted from an IC card. Furthermore, Nii discloses that after a predetermined event, such as the activation of an IC card, the decryption key will expire and be unavailable to the user. Thus, the user would be unable to utilize the decryption key on the IC card for accessing encrypted content on his terminal (Nii, page 5, pars. 62, 64).

1 Nii, however, does not disclose that the decryption key transmitted from the IC card to
2 the user's terminal would be deleted after a predetermined period of time.

3 However, it would have been obvious to one of ordinary skill in the art, based
4 upon logical reasoning, to cause the decryption key stored on the user's terminal to be
5 deleted, similarly becoming unavailable to the user after a predetermined period of time.
6 This would have been obvious because one of ordinary skill in the art could have
7 recognized that the system of Nii required that a decryption key for displaying decrypted
8 content was to become unavailable to the user after a predetermined period of time.

9 Therefore, it is only logical to conclude that in order to enforce security and the
10 protection of encrypted content through making unavailable an encryption key, the user
11 should not be able to attain availability of the key via access to a stored key by any
12 means. Thus, as the decryption key on the IC card was to expire and prevent access to
13 protected content, likewise, it would have been obvious for the same key on the terminal
14 to expire (be deleted as an equivalent), preventing its use to access protected content.

15
16 Regarding claim 16, it would have been obvious to one of ordinary skill in the art
17 for the memory to comprise volatile memory. This would have been obvious, because
18 one of ordinary skill in the art would have been motivated for the purpose of security to
19 prevent a decryption key from being permanently stored within the terminal where it
20 could be used to access protected content without the IC card.

21

Regarding claims 19 and 20, they are rejected for the same reasons as claims 11 and 12.

Claims 7, 8, 23, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nii in view of Doyle et al., U.S. Patent Publication 2003/0159044 A1.

Regarding the following claims, Nii discloses a system designed to “assure secure delivery and controlled usage of data”. The system incorporates an IC card or “Key FOB” for transmitting a decryption key so as to “adequately assure access only by persons authorized for access to selected multimedia content” (Nii, page 2, par. 18). The system of Nii, however, does not ensure that only the authentic owner of the IC card is able to utilize the IC card so as to transmit a decryption key. Thus, the system of Nii, does not disclose the use of biometric data to ensure only the authentic owner of the IC card may utilize the IC card.

Doyle et al. discloses an IC card or “Key FOB” that comprises a biometric sensor for reading fingerprint data of the user of the card. This ensures that only the authentic owner of the card may utilize the card in a system, “improving security” (Doyle et al., page 9, par. 80).

It would have been obvious to one of ordinary skill in the art to have employed the method of Doyle et al. for integrating an authenticating biometric scanner into an IC card within the system of Nii, which utilizes an IC card. This would have been obvious because one of ordinary skill in the art would have been motivated to improve security

1 of the system by ensuring that only the authentic owner of the IC card ("Key FOB") may
2 utilize the card.

3
4 Regarding claims 23 and 24, the combination of Nii and Doyle et al. discloses:
5 *providing the key FOB with a biometric sensor, and wherein the step transmitting*
6 *the decryption key from the key FOB occurs after the biometric sensor senses a*
7 *predetermined biometric parameter of the user and wherein the biometric sensor*
8 *comprises a fingerprint sensor, and the fingerprint sensor senses a fingerprint of the*
9 *user* (Nii, page 3, par. 27; Doyle et al., page 9, par. 80). The combination of Nii and
10 Doyle et al. disclose that only after sensing a proper fingerprint scan may the user utilize
11 the card, sending a decryption key.

12
13 Regarding claims 7 and 8, they are rejected for the same reasons as claims 23
14 and 24.

15
16 **Claims 5, 14, and 18 are rejected under 35 U.S.C. 103(a) as being**
17 **unpatentable over Nii as applied to claims 1 – 4, 6, 9, 10, 13, 15, 17, 21, 22, and 25**
18 **above, and further in view of Ronzani et al., U.S. Patent Publication 2002/0163486**
19 **A1.**

20 Regarding claims 5 and 14, Nii discloses a system designed to "assure secure
21 delivery and controlled usage of data". The system incorporates an IC card or "Key
22 FOB" for transmitting a decryption key so as to "adequately assure access only by

1 persons authorized for access to selected multimedia content" (Nii, page 2, par. 18).

2 The system of Nii comprises a frame comprising a screen for securely displaying data
3 only to authorized users (Nii, fig. 2). Nii, however, does not disclose that the display
4 comprises a frame, such as an eyeglass frame, adapted to be placed on user's head,
5 and wherein the electrical display comprises a screen adapted to be located in front of
6 the user's eye.

7 Ronzani et al. discloses a display comprises a frame, such as an eyeglass frame,
8 adapted to be placed on user's head, and wherein the electrical display comprises a
9 screen adapted to be located in front of the user's eye. The frame could also comprise
10 earphones to enable a listener to privately hear content (Ronzani et al., fig. 1). Such a
11 display apparatus is useful for "numerous applications including commercial, industrial,
12 and entertainment purposes." It is beneficial to employ in situations where private and
13 detailed viewing of the display is desired (Ronzani et al., page 1, par. 5; page 4; par.
14 98).

15 It would have been obvious to one of ordinary skill in the art to employ the head
16 mounted display apparatus of Ronzani et al. in the system of Nii for securely displaying
17 data only to authorized users. This would have been obvious because one of ordinary
18 skill in the art would have been motivated for the purpose of security to enable only an
19 authorized viewer of protected content to privately view the content without the risk of
20 unauthorized viewers eavesdropping or shoulder-surfing so as to gain access to
21 protected content.

22

1 Regarding claim 18, Nii discloses a system designed to “assure secure delivery
2 and controlled usage of data”. The system incorporates an IC card or “Key FOB” for
3 transmitting a decryption key so as to “adequately assure access only by persons
4 authorized for access to selected multimedia content” (Nii, page 2, par. 18). The
5 system of Nii comprises a frame comprising a screen for securely displaying data only
6 to authorized users. The display and receiver to the display of Nii is connected by wire
7 to a terminal. (Nii, fig. 2). Nii does not disclose a wireless connection to the display and
8 display receiver.

9 Ronzani et al. discloses a wireless arrangement for the connection of a display
10 and display receiver (Ronzani et al., page 1, par. 7; page 2, par. 13; page 9, par. 165).
11 This wireless arrangement conveniently allows the display apparatus to be adapted to
12 be placed on user’s head, and wherein the electrical display comprises a screen
13 adapted to be located in front of the user’s eye. Thus the viewer of the display is
14 enabled to view content from a remote source. This wireless arrangement also allows a
15 listener to privately hear content transmitted from a remote source via earphones
16 (Ronzani et al., fig. 1). Such an arrangement is useful for “numerous applications
17 including commercial, industrial, and entertainment purposes.” It is beneficial to employ
18 in situations where private and detailed viewing of the display is desired (Ronzani et al.,
19 page 1, par. 5; page 4; par. 98).

20 It would have been obvious to one of ordinary skill in the art to employ the
21 wireless arrangement for the connection of a display and display receiver of Ronzani et
22 al. in the system of Nii for securely displaying data only to authorized users. This would

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1 have been obvious because one of ordinary skill in the art would have been motivated
2 for the purpose of convenience and security to enable only an authorized viewer of
3 protected content to privately view the content from a remote source without the risk of
4 unauthorized viewers eavesdropping or shoulder-surfing so as to gain access to
5 protected content.

6
7
8
9
10 ***Conclusion***

11
12
13 The prior art made of record and not relied upon is considered pertinent to
14 applicant's disclosure:

15 Dudek et al., "Method and Device for Conducting Mobile Commerce", U.S.
16 Patent Publication, 2003/0018532.

17 Hind et al., "Technique for Digitally Notarizing a Collection of Data Streams", U.S.
18 Patent Publication, 2003/0212893.

19 Kikuchi et al., "Contents-Distributing System and Contents-Distributing Method",
20 U.S. Patent Publication, 2001/0044848 A1.

21 Okabe et al., "Contents Sale System", U.S. Patent, 6,889,208 B1.

1 Nair, "System, Method and Apparatus for Controlling the Dissemination of Digital
2 Works", U.S. Patent Publication, 2004/0193900.

3 Felsher, "Information Record Infrastructure, System and Method", U.S. Patent
4 Publication, 2002/0010679.

5 Tsukamoto et al., "Content Rental System", U.S. Patent Publication,
6 2002/0013940.

7 Sakajiri, "Information Providing System", U.S. Patent 6,704,419.

8 Spies et al., "System and Method of Secure Purchase and Delivery of Video
9 Content Programs", U.S. Patent 6,055,314.

10
11
12 A shortened statutory period for reply is set to expire 3 months (not less than 90
13 days) from the mailing date of this communication.


14 Any inquiry concerning this communication or earlier communications from the
15 examiner should be directed to Jeffery Williams whose telephone number is (571) 272-
16 7965. The examiner can normally be reached on 8:30-5:00.

17 If attempts to reach the examiner by telephone are unsuccessful, the examiner's
18 supervisor, Emmanuel Moise can be reached on (571) 272-3865. The fax phone
19 number for the organization where this application or proceeding is assigned is (703)
20 872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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